

EXHIBIT 5

最高人民法院关于人民法院在互联网公布裁判文书的规定

Provisions of the Supreme People's Court on Publication of Judgment Documents by the People's Courts on the Internet

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为贯彻落实审判公开原则,规范人民法院在互联网公布裁判文书工作,促进司法公正,提升司法公信力,根据《中华人民共和国刑事诉讼法》《中华人民共和国民事诉讼法》《中华人民共和国行政诉讼法》等相关规定,结合人民法院工作实际,制定本规定。

With a view to implementing the principle of trial publicity, regulating the publication of judgment documents by the people's courts on the Internet, promoting judicial fairness and improving judicial credibility, these Provisions are formulated in accordance with the Criminal Procedure Law of the People's Republic of China, the Civil Procedure Law of the People's Republic of China, the Administrative Procedure Law of the People's Republic of China and other relevant provisions and based on the realities of the work of the people's courts.

第一条 人民法院在互联网公布裁判文书,应当依法、全面、及时、规范。

Article 1 The publication of judgment documents by the people's courts on the Internet shall be conducted in legal, comprehensive, timely and normative manner.

第二条 中国裁判文书网是全国法院公布裁判文书的统一平台。各级人民法院在本院政务网站及司法公开平台设置中国裁判文书网的链接。

Article 2 The website of Judicial Opinions of China is the uniform platform for publication of judgment documents by courts nationwide. The people's courts at all levels shall maintain on their respective court affairs websites and judicial publicity platforms the links to the website of China Judgements Online.

第三条 人民法院作出的下列裁判文书应当在互联网公布:

Article 3 The following judgment documents of the people's courts shall be published on the Internet:

(一) 刑事、民事、行政判决书;

(1) Criminal, civil and administrative judgments;

(二) 刑事、民事、行政、执行裁定书;

(2) Criminal, civil, administrative and enforcement rulings;

(三) 支付令;

(3) Payment orders;

(四) 刑事、民事、行政、执行驳回申诉通知书;

(4) Notifications to reject criminal, civil, administrative and enforcement appeals;

(五) 国家赔偿决定书;

(5) Decisions on State compensation;

(六) 强制医疗决定书或者驳回强制医疗申请的决定书;

(6) Decisions on compulsory medical treatment or decisions to reject compulsory medical treatment applications;

(七) 刑罚执行与变更决定书;

(7) Decisions on enforcement and change of criminal punishment;

(八) 对妨害诉讼行为、执行行为作出的拘留、罚款决定书，提前解除拘留决定书，因对不服拘留、罚款等制裁决定申请复议而作出的复议决定书；

(8) Decisions on detention or fines against impairment of the proceedings or enforcement, decisions on earlier release from detention, reconsideration decisions on applications for reconsideration because of dissatisfaction with the decisions on detention, fines or other sanctions;

(九) 行政调解书、民事公益诉讼调解书;

(9) Administrative mediation statements or mediation statements for civil public-interest lawsuits; and

(十) 其他有中止、终结诉讼程序作用或者对当事人实体权益有影响、对当事人程序权益有重大影响的裁判文书。

(10) Other judgment documents that have the role of suspending or terminating proceedings or have impact on the substantive rights and interests of the parties concerned or material impact on the procedural rights and interests of the parties concerned.

第四条 人民法院作出的裁判文书有下列情形之一的，不在互联网公布：

Article 4 The judgment documents of the people's courts that fall under any of the following circumstances shall not be published on the Internet:

(一) 涉及国家秘密的；

(1) Where State's secrets are involved;

(二) 未成年人犯罪的；

(2) Where crimes committed by minors are involved;

(三) 以调解方式结案或者确认人民调解协议效力的，但为保护国家利益、社会公共利益、他人合法权益确有必要公开的除外；

(3) Where cases are closed by way of mediation or the effect of the mediation agreements of the people's courts are confirmed, except the publication is necessary for protection of the interests of the State, social public interests and lawful rights and interests of others;

(四) 离婚诉讼或者涉及未成年子女抚养、监护的；

(4) Where divorce proceedings or support or guardianship of minors are involved; or

(五) 人民法院认为不宜在互联网公布的其他情形。

(5) Other circumstances where the people's courts deem the publication on the Internet not appropriate.

第五条 人民法院应当在受理案件通知书、应诉通知书中告知当事人在互联网公布裁判文书的范围，并通过政务网站、电子触摸屏、诉讼指南等多种方式，向公众告知人民法院在互联网公布裁判文书的相关规定。

Article 5 In the notifications on acceptance of cases or the notifications on response to suits, the people's courts shall inform the parties concerned of the scope of the publication of judgment documents on the Internet and notify the public of the provisions on publication of judgment documents on the Internet by various means such as court affairs websites, electronic touch screens and litigation guides.

第六条 不在互联网公布的裁判文书，应当公布案号、审理法院、裁判日期及不公开理由，但公布上述信息可能泄露国家秘密的除外。

Article 6 For a judgment document not published on the Internet, the case number, court of trial, judgment date and the reason for non-publication shall be released unless the release of above information may divulge the secrets of the State.

第七条 发生法律效力的裁判文书，应当在裁判文书生效之日起七个工作日内在互联网公布。依法提起抗诉或者上诉的一审判决书、裁定书，应当在二审裁判生效后七个工作日内在互联网公布。

Article 7 For a judgment document that has taken legal effect, it shall be published on the Internet within seven working days from the date of its effectiveness. For a judgment or ruling that is protested or appealed in accordance with the law, it shall be published on the Internet within seven working days from the date of effectiveness of the second-instance judgment.

第八条 人民法院在互联网公布裁判文书时，应当对下列人员的姓名进行隐名处理：

Article 8 When publishing judgment documents on the Internet, the people's courts shall conduct name-hiding disposal of the names of following persons:

(一) 婚姻家庭、继承纠纷案件中的当事人及其法定代理人；

(1) Parties to the cases of disputes involving marriage, family and inheritance and the statutory agents thereof;

(二) 刑事案件被害人及其法定代理人、附带民事诉讼原告人及其法定代理人、证人、鉴定人；

(2) Victims of criminal cases and the statutory agents thereof, the plaintiffs of collateral civil actions and the statutory agents thereof, witnesses and judicial experts; and

(三) 未成年人及其法定代理人。

(3) Minors and their statutory agents.

第九条 根据本规定第八条进行隐名处理时，应当按以下情形处理：

Article 9 The name hiding under Article 8 hereof shall be conducted according to following circumstances:

(一) 保留姓氏，名字以“某”替代；

(1) Retaining the surname and replacing the given name with "X";

(二) 对于少数民族姓名，保留第一个字，其余内容以“某”替代；

(2) Retaining the first character and replacing the remaining part with "X" in case of the name of an ethnic-minority person;

(三) 对于外国人、无国籍人姓名的中文译文，保留第一个字，其余内容以“某”替代；对于外国人、无国籍人的英文姓名，保留第一个英文字母，删除其他内容。

(3) Retaining the first character and replacing the remaining part with "X" for the Chinese translation of the name of a foreigner or Stateless person; retaining the first English letter and deleting the remaining part for the English name of a foreigner or Stateless person;

对不同姓名隐名处理后发生重复的，通过在姓名后增加阿拉伯数字进行区分。

If different names after name-hiding disposal become identical, they shall be distinguished by adding Arabic numerals after the names.

第十条 人民法院在互联网公布裁判文书时，应当删除下列信息：

Article 10 The people's courts shall delete following information when publishing judgment documents on the Internet:

(一) 自然人的家庭住址、通讯方式、身份证号码、银行账号、健康状况、车牌号码、动产或不动产权属证书编号等个人信息；

(1) Personal information of natural persons such as home addresses, correspondence information, numbers of identity certificates, numbers of bank accounts, health condition, numbers of vehicle license plate and numbers of personal property or real property ownership certificates;

(二) 法人以及其他组织的银行账号、车牌号码、动产或不动产权属证书编号等信息；

(2) Information of legal persons and other organizations such as numbers of bank accounts, numbers of vehicle license plate and numbers of personal property or real property ownership certificates;

(三) 涉及商业秘密的信息；

(3) Information involving trade secrets;

(四) 家事、人格权益等纠纷中涉及个人隐私的信息；

(4) Information involving personal privacy in the disputes over family affairs and personality rights and interests, etc.;

(五) 涉及技术侦查措施的信息；

(5) Information involving technical measures of investigation; and

(六) 人民法院认为不宜公开的其他信息。

(6) Other information that the people's courts deem it inappropriate to publish.

按照本条第一款删除信息影响对裁判文书正确理解的，用符号“×”作部分替代。

If the deletion of the information in accordance with Paragraph 1 of this Article affects the correct understanding of the judgment document, the symbol "x" shall be used in place of the information.

第十一一条 人民法院在互联网公布裁判文书，应当保留当事人、法定代理人、委托代理人、辩护人的下列信息：

Article 11 In publishing judgment documents on the Internet, the people's courts shall retain the following information of the parties concerned, statutory agents, authorized agents and defenders:

(一) 除根据本规定第八条进行隐名处理的以外，当事人及其法定代理人是自然人的，保留姓名、出生日期、性别、住所地所属县、区；当事人及其法定代理人是法人或其他组织的，保留名称、住所地、组织机构代码，以及法定代表人或主要负责人的姓名、职务；

(1) Apart from name-hiding disposal under Article 8 hereof, retaining the names, dates of birth, genders and the counties or districts of the domicile of the parties concerned and their statutory agents that are natural persons, and retaining the names, domiciles and organization code numbers of the parties concerned and their statutory agents that legal persons or other organizations as well as the names and positions of their legal representatives or principal persons in charge;

(二) 委托代理人、辩护人是律师或者基层法律服务工作者的，保留姓名、执业证号和律师事务所、基层法律服务机构名称；委托代理人、辩护人是其他人员的，保留姓名、出生日期、性别、住所地所属县、区，以及与当事人的关系。

(2) Retaining the names, numbers of practice certificates and the names of law firms or grassroots agencies of legal services if the authorized agents or defenders are lawyers or grassroots agencies of legal services; retaining names, dates of birth, genders, counties or districts of domiciles and the relationship with the parties concerned of the authorized agents or defenders who fall under other persons.

第十二条 办案法官认为裁判文书具有本规定第四条第五项不宜在互联网公布情形的，应当提出书面意见及理由，由部门负责人审查后报主管副院长审定。

Article 12 The judge handling the case, if believing that the judgment document falls under the circumstances where the publication on the Internet is not appropriate as prescribed in Item (5) of Article 4 hereof, shall come up with written opinions and the reasons which shall be examined and submitted by the person in charge of the department to the vice president of the court in charge for examination and determination.

第十三条 最高人民法院监督指导全国法院在互联网公布裁判文书的工作。高级、中级人民法院监督指导辖区法院在互联网公布裁判文书的工作。

Article 13 The Supreme People's Court supervises and guides the work of the courts nationwide regarding the publication of judgment documents on the Internet. The high people's courts and intermediate people's courts supervise and guide the work of the courts within their respective jurisdiction regarding the publication of judgment documents on the Internet.

各级人民法院审判管理办公室或者承担审判管理职能的其他机构负责本院在互联网公布裁判文书的

管理工作，履行以下职责：

The judicial management offices or the other departments undertaking the judicial management functions of the people's courts at all levels are responsible for the management of the publication of judgment documents by the courts on the Internet and perform the following duties:

(一) 组织、指导在互联网公布裁判文书；

(1) Organizing and guiding the publication of judgment documents on the Internet;

(二) 监督、考核在互联网公布裁判文书的工作；

(2) Supervising and assessing the work of publication of judgment documents on the Internet;

(三) 协调处理社会公众对裁判文书公开的投诉和意见；

(3) Coordinating and handling the complaints and comments of the social public on the publication of judgment documents；

(四) 协调技术部门做好技术支持和保障；

(4) Coordinating technical departments in properly handling technical support and guarantee; and

(五) 其他相关管理工作。

(5) Other relevant management work.

第十四条 各级人民法院应当依托信息技术将裁判文书公开纳入审判流程管理，减轻裁判文书公开的工作量，实现裁判文书及时、全面、便捷公布。

Article 14 The people's courts at all levels shall rely on information technology to include the publication of judgment documents in the trial process management to alleviate the workload of publication of judgment documents and realize the timely, complete and speedy publication of judgment documents.

第十五条 在互联网公布的裁判文书，除依照本规定要求进行技术处理的以外，应当与裁判文书的原本一致。

Article 15 The judgment documents published on the Internet shall be consistent with the original copies of judgment documents except for those undergoing technical disposal as required by these Provisions.

人民法院对裁判文书中的笔误进行补正的，应当及时在互联网公布补正笔误的裁定书。

If a people's court makes correction of the clerical error in the judgment document, it shall publish the corrected judgment document on the Internet in a timely manner.

办案法官对在互联网公布的裁判文书与裁判文书原本的一致性，以及技术处理的规范性负责。

Judges handling the cases shall be responsible for the consistency of the judgment documents published on the Internet with the original copies of the judgment documents as well as the standardization of the technical disposal.

第十六条 在互联网公布的裁判文书与裁判文书原本不一致或者技术处理不当的，应当及时撤回并在纠正后重新公布。

Article 16 If the judgment document published on the Internet is inconsistent with the original copy of the judgment document or the technical disposal is not appropriate, the judgment document shall be withdrawn in a timely manner and republished.

在互联网公布的裁判文书，经审查存在本规定第四条列明情形的，应当及时撤回，并按照本规定第六条处理。

A judgment document published on the Internet shall be withdrawn in a timely manner and handled according to Article 6 hereof if it is found upon examination to fall under the circumstances specified in Article 4 hereof.

第十七条 人民法院信息技术服务中心负责中国裁判文书网的运行维护和升级完善，为社会各界合法利用在该网站公开的裁判文书提供便利。

Article 17 The information technology service centers of the people's courts shall be responsible for the operation maintenance, upgrade and improvement of the website of China Judgements Online and facilitate the lawful use by the public of the judgment documents published on the website.

中国裁判文书网根据案件适用不同审判程序的案号，实现裁判文书的相互关联。

The case numbers for different trial procedures are used on the website of China Judgements Online in light of cases to realize the correlation of judgment documents.

第十八条 本规定自2016年10月1日起施行。最高人民法院以前发布的司法解释和规范性文件与本规定不一致的，以本规定为准。

Article 18 These Provisions shall take effect as of October 1, 2016. If the judicial interpretations and normative documents released previously are inconsistent with these Provisions, these Provisions shall prevail.